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HUMAN RIGHTS QUESTIONS

Letter dated 19 July 1993 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement made on 14 June 1993 by Dr. Fernando Vega Santa Gadea, Minister of Justice and head of the delegation of the Republic of Peru, at the second World Conference on Human Rights, held at Vienna.

I should be grateful if you would have the text of this letter and its annex circulated as an official document of the General Assembly under item 115 of the preliminary list.

(Signed) Fernando GUILLÉN
Ambassador
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Annex

Statement made on 14 June 1993 by Dr. Fernando Vega Santa Gadea, Minister of Justice and head of the delegation of Peru, at the World Conference on Human Rights, held at Vienna

It is a pleasure for me to bring greetings from the Government and people of Peru to Austria, the country which is hosting this event with its traditional hospitality and courtesy, and to all States attending this Conference, held under the auspices of the United Nations. The participation in these deliberations of such distinguished representatives reflects the importance which the world attaches to the search for peace, justice, development and respect for human dignity.

The first World Conference on Human Rights, held in 1968 to mark the twentieth anniversary of the Universal Declaration of Human Rights, assessed the progress made up to then. On that occasion, a large group of new States joined the free nations of the world, and their tremendous cultural wealth expanded international awareness of humanitarian issues.

Twenty-five years after the Proclamation of Teheran, world history, which has taken on a dizzying momentum in recent years, calls for a reassessment, so that, together, we peace-loving peoples can undertake efforts to ensure the survival of mankind through a joint struggle to eradicate violence and extreme poverty.

We have gathered on this occasion to assess what, specifically, we have done up to now to overcome the obstacles to the full enjoyment of human rights and to reactivate international cooperation so as to strengthen the indissoluble link between human rights and development.

Only half of the world's nations have signed and ratified the two Covenants which confer responsibility for the principles embodied in the Declaration, and the urgent task of giving universal scope to the work of the United Nations monitoring mechanisms remains to be completed.

Serious consideration must be given to the ever more pressing need to find a solution to the violence of armed conflicts, terrorism, drug trafficking, racial intolerance, neo-Nazi groups and xenophobic movements, which appear to be global features of the start of the new world order.

In this context, Peru reiterates that the best starting-point would be a careful review of the results of regional meetings, which should be regarded as priority working documents.

Repeatedly, the Government of Peru, through the President of the Republic, and through our Minister for Foreign Affairs in various international forums, has stated clearly that the Government attaches priority to bringing peace to the country within the framework of absolute respect for human rights and fundamental freedoms.

The thrust of this national policy has been fully consistent with the provisions of the Political Constitution of Peru and the commitments entered into by the Peruvian State through the signing and ratification of the major international instruments for the defence and promotion of human rights.

The delegation of Peru wishes to emphasize that the depoliticization of the topic would preserve and increase international capacity for persuasion, cooperation and dialogue in order to safeguard human rights. In addition, strict adherence to monitoring and enforcement procedures is the best guarantee of the legitimacy of our efforts.

As part of these procedures, objectivity and a responsible approach to identifying complaints and eliminating cases which have already been resolved, thus shortening the list of alleged violations by previous administrations, constitute, in our view, minimum impartiality, and not a statement of position. Diagnostic errors on the part of technical experts, who are totally removed from the distressing realities which are oppressing our peoples, are another source of comments or warnings or even condemnations addressed to our Governments. We can accept criticism, and are capable of redressment, so long as it is proved to us, by well-informed persons at the scene of the events, that human rights violations have occurred, or that our anti-terrorist legislation is defective from the standpoint of due-process guarantees.

An integral and universally acceptable concept of human rights is at an advanced stage of crystallization. The indivisibility of civil and political rights and of economic, social and cultural rights depends directly on avoiding giving priority to one category at the expense of the other. The experience of Governments in their efforts to ensure the enjoyment of these rights depends on the development capabilities of countries and on the will of Governments themselves to make human dignity their final aim.

The evolution of humanitarian awareness still faces difficulties. The right to development is now universally recognized, but we must take it upon ourselves to make the relevant instruments a reality, so as to ensure their implementation.

Peru believes it essential to consider, in this assembly, the need to adapt the current human rights doctrine of the United Nations to reflect the changes which have occurred in the past 25 years. A new dimension should be added to the international approach to human rights, taking into account the true magnitude of the violence of terrorism and drug trafficking, and the need to adopt international measures of condemnation with a view to their suppression and punishment.

While the United Nations Commission on Human Rights has been a pioneer in the inclusion of that dimension and while the Peruvian initiative put forward at Geneva in 1992 was adopted without a vote at the Commission's February 1993 session, we would urge the United Nations to undertake an immediate effort, which will be effective only to the extent that it can be preventive and is not limited to witnessing, helplessly, the national tragedies caused by terrorism.

Reports in the world press indicate how the number of States facing the combined onslaught of violence from terrorism and from drug trafficking is

growing dangerously, and on how those States are implementing, with varying results, a whole strategy intended to combat these plagues on the basis of their own realities, so as to ensure their own survival and the protection of completely innocent potential victims.

Peru is fighting terrorism and its natural ally, drug trafficking. The loss of 25,000 lives has plunged the Peruvian people into mourning. Accordingly, we condemn the dehumanizing violence of terrorism and share others' sorrow at the bomb attacks on the Buenos Aires synagogue, the New York World Trade Center and the London Financial Centre, as well as the recent attack in Florence, which caused death and devastation and irreparably destroyed part of the cultural heritage of mankind. Our country has directly experienced the ferocity of these car-bomb attacks, resulting in scores of deaths, hundreds of injuries and tremendous material losses. Our solidarity is based on shared sorrow and deep familiarity with the problem of terrorism, which has been afflicting our country for over a decade.

The observance, this year, of the forty-fifth anniversary of the Universal Declaration of Human Rights coincides with the initial results of the Peruvian Government's basic plan to eradicate terrorism and to make Peru a country at peace for future generations.

Until 5 April 1992, the world did not clearly comprehend the ominous danger threatening the Peruvian people or realize that spiralling terrorist violence and its aftermath of corruption had fatally undermined the State.

Attacks with explosives that destroyed commercial centres and multi-family apartment buildings, car bombs and the deaths of innocent children who were used to carry bombs were the subject of headlines and full-page stories in all the national newspapers: infernal scenes, similar to or worse than the catastrophe in Florence, were experienced daily in Peru. The country had been mortally wounded, and the survival of the people, who had lost hope under earlier, impotent Governments that had been incapable of taking action, was hanging in the balance.

The Government of President Fujimori faced an inescapable obligation to guarantee the viability of the State. Had he not taken action, nothing would have prevented a genocidal terrorist movement compatible to that led by Pol Pot from exterminating a million Peruvians, an aim publicly proclaimed by its secret spokesman, even in articles reproduced by the most prestigious publications of this continent.

Had the Government hesitated a few days in adopting its historic decision to take the initiative in the struggle to save Peru, abandoning the outdated and obsolete structure which, as is recognized today, was ineffectual, Peru would have become an anachronistic State, totalitarian, communist, and genocidal, that would have spread its pathological violence throughout Latin America.

The distorted, supposedly ethical and moral, principles of the terrorist leaders have been published and widely disseminated in Europe and, in the guise of libertarian theory, the world has been exposed to terrorism's apocalyptic pronouncements, its condemnation of human rights and its utter scorn for the work of the Commission on Human Rights and the United Nations system.

Moreover, the doctrine of international law provides for the legitimate right of States to guarantee their survival, and instruments relating to fundamental human rights accept the adoption of exceptional measures in such extreme cases.

Unfortunately, Peru, like other democratic countries of the world, was also ravaged by structural corruption. Against that background, the Government undertook a profound overhaul of the judiciary intended essentially to put an end to the corruption and paralysis which had led to the release of hundreds of terrorist criminals detained in 1990 and 1991, allowing them to continue their demented criminal rampage involving selective assaults and assassinations. Only some 10 cases were brought to trial, compared with hundreds of other detainees who were in custody awaiting conviction or release for "lack of evidence".

At the same time, an obsolete penal system failed to take into account new types of crime. This omission has now been rectified and Peru's anti-terrorism legislation includes all modalities and agents appropriate to the emergency situation in which the country has been plunged, thereby allowing for the effective coordination of the activities of the responsible police and military bodies. The new anti-terrorism policy has now produced a clear result: an operation completed without bloodshed - the details of which were reported throughout the world - led to the capture of the leader of the Sendero Luminoso terrorist movement and the top echelon of this genocidal gang.

Abimael Guzmán - the terrorist who, openly scornful of the value of human life and human dignity, is responsible for the genocide in Peru which claimed 25,000 lives and occasioned $22 billion in material losses, the equivalent of Peru's entire external debt - is now being treated humanely in a maximum-security prison, as has recently been confirmed by official representatives of the International Committee of the Red Cross. However, he will never again be a free man, for he has been sentenced to life imprisonment.

Since 5 April 1992, more than 2,400 terrorists belonging to Sendero Luminoso and the Movimiento Revolucionario Túpac Amaru have been captured. Ninety per cent of the top echelon of the two groups are in prison, and 110 of them have also been sentenced to life imprisonment owing to the gravity of their crimes.

The apparent severity of the anti-terrorism legislation which has been adopted is directly related to the emergency situation in which the terrorist movements plunged Peru. The results accomplished by the current Government are easily contrasted with the actions of earlier Governments. Peru is undergoing a pacification process, and the harshness of the law will change as the terrorist problem subsides. The Repentance Act illustrates clearly how Peru deals with deserting terrorists who wish to rejoin society. Conditions at Peru's new or remodelled penal institutions show respect for the human rights of imprisoned terrorists.

The President of Peru has stated that he will rid the country of terrorism by 1995. This message of hope - one never before extended to the Peruvian people - is a government objective whose attainment will coincide with the fiftieth anniversary of the United Nations, for which it will represent a new milestone on the road to peace.

The elections to the Constituent Democratic Congress, which were monitored by the Organization of American States (OAS), restored the balance of powers in Peru. With the validity of the Political Constitution fully restored, the parliament can now adopt legislation as well as conduct investigations, as witness its current investigation into the case of students at the Universidad de la Cantuta.

The Permanent Council of OAS has condemned the terrorist violence in Peru and has described as genocide the selective annihilations and thousands of murders carried out by deranged perpetrators. This condemnation by a competent regional body should prompt support from the United Nations system pursuant to the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

Many Peruvian inhabitants of the Andes courageously remained in their villages despite the terror and organized themselves for their own defence in rural patrols, which were key allies of the armed forces; however, another 600,000 Peruvians fled from their homes, becoming internally displaced by the terrorist violence, and they live in extreme poverty in the slums of Lima. However - and this is a positive sign - there are indications that they would like to return to their abandoned villages. This will require a massive economic effort which the Government has already initiated.

Humanitarian assistance for internally displaced persons is needed immediately. Peru issued an appeal to the Secretary-General of the United Nations and to the United Nations High Commissioner for Refugees, stressing that immediate cooperation measures are needed to support national efforts, while the system strove to define political and legal criteria for dealing with internally displaced persons.

I should like to express my Government's gratitude for the immediate response to its appeal, which has opened the way for inter-agency cooperation to develop the diagnosis of the problem made by the Government and to launch a humanitarian assistance project.

Other important gestures of solidarity have been made. The Governments of the countries most closely concerned have indicated that they will be more circumspect in granting asylum to terrorists, in order to prevent their territories from becoming a breeding ground for genocide, where perpetrators are not entitled to claim the right of asylum or to make public collections to finance their crimes from abroad.

I also wish to focus briefly on the most significant concrete measures taken by the Government to promote human rights:

1. As part of its policy of cooperating with the international organizations responsible for monitoring human rights, the Peruvian Government invites them to visit the country and to witness freely and at first hand:

The fundamental role of terrorism in causing violence and human rights violations in Peru,

The measures taken by the Government to promote human rights.

In this connection, a special committee of the Inter-American Commission on Human Rights was invited to visit the country and examined the human rights situation there at first hand from 17 to 20 May. The press release which it issued as a prelude to its official report has been distributed to all delegations at the World Conference to provide them with an objective and independent analysis of the situation in Peru following the adoption of the new government policy. It recognizes the significant progress in prisons policy and the recommendations we are willing to take into account in applying the appropriate corrective measures.

Furthermore, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution of the United Nations Commission on Human Rights visited Peru from 24 May to 3 June.

2. The national register of prisoners, a project financed by AID and ILANUD and aimed at ensuring that the rule of law prevails during this historic and exceptional period of anti-terrorist struggle, is now in its first phase of implementation. The Public Prosecutor's Office and the Ministry of the Interior hope that it will be open for consultation by human rights monitoring bodies and non-governmental organizations by July 1993.

3. The Government of Peru has signed a procedural agreement with the International Committee of the Red Cross (ICRC). This was made possible by the exclusive undertaking given concerning the humanitarian activities of ICRC, which is proving to be highly satisfactory. ICRC has absolute freedom to visit all prisons and detention centres in the country. Any interested organization or person can obtain free access to its reports on any specific case.

4. After 30 years of neglecting the physical infrastructure of prisons, a new policy is introducing sweeping changes and compelling the authorities to provide better prison conditions and thus to respect prisoners' basic rights. The aim of this new prisons policy, whose effectiveness has been acknowledged by the Inter-American Commission on Human Rights, is to replace 108 old prisons with 50 modern prisons by 1995. One new prison has already been opened, two are under construction and a further eight are being re-built.

5. The establishment of a permanent dialogue with the Coordinadora Nacional de Derechos Humanos, a non-governmental organization, has been welcomed at the international level as tangible evidence of democratic openness and will make it possible to identify mechanisms and procedures for joint action to promote respect for human rights.

6. Human rights education forms part of a major preventive programme and courses have been introduced in the syllabuses of schools and of all armed

forces and police academic institutions at the national level. The subject has also been included in army instruction manuals.

7. The Government is determined to ensure minimum living standards, basic health care, education and proper working conditions for the nation as a whole.

8. The overall result of these efforts is that the number of complaints submitted during the current year has shown an encouraging and consistent pattern of sharp decline, reflecting the tangible efforts made by the Government.

The good will of a country is shown not by declarations of intent but by concrete actions. Once again I invite the competent supervisory bodies of the United Nations system to visit the country and witness the human rights situation at first hand.

The Peruvian Government accepts the recommendations, suggestions and constructive criticism and is willing to correct any aspects of its policies which, in the context of the exceptional situation prevailing in the country, can be dealt with immediately through dialogue and cooperation with the United Nations within the framework of the specific technical competence of the human rights monitoring bodies of the system. However, it is not prepared to see the question distorted by biased or malicious information from opposition sources or subversive elements. Let me therefore say again that Peru is open to United Nations bodies which wish to visit it in connection with this matter.

I wish to thank the Centre for Human Rights for its support in organizing this event and to express my particular gratitude for the efforts of the Commission and its subsidiary bodies. I also wish to express gratitude to the former Secretary-General, Mr. Pérez de Cuéllar, and to the current Secretary-General for all they have done to ensure the success of this summit meeting on human rights, as well as for their efforts to eradicate poverty and their lifelong commitment to the defence of human rights.